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Docket No.: 12810-00319-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jens Scheidel et al.

Application Serial No.: 10/586,007

Confirmation No.: 9441

Filed: July 12, 2006

Art Unit: 1626

For: METHOD FOR PRODUCING 3-
PENTENENITRILE

Examiner: Not Yet Assigned

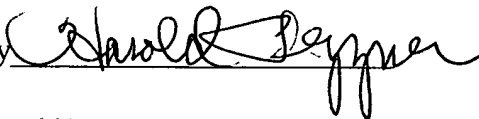
NOTICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with applicants' duty to disclose attached is a copy of the International Preliminary Report on Patentability of the PCT counterpart for the above case. It is noted that the document cited has already been made of record in an Information Disclosure Statement in this application.

Respectfully submitted,

By 

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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

BASF AKTIENGESELLSCHAFT
67056 Ludwigshafen
ALLEMAGNE



ASTIV

Date of mailing (day/month/year)

01 February 2007 (01.02.2007)

Applicant's or agent's file reference
0000055298**IMPORTANT NOTIFICATION**International application No.
PCT/EP2005/000774 ✓International filing date (day/month/year)
27 January 2005 (27.01.2005)

Applicant

BASF AKTIENGESELLSCHAFT et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

Phase beendet 27.06.06

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000055298	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/000774	International filing date (day/month/year) 27.01.2005	Priority date (day/month/year) 29.01.2004
International Patent Classification (IPC) or national classification and IPC C07C253/10		
Applicant BASF AKTIENGESELLSCHAFT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000774

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-41 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-9 _____ received by this Authority on 28.11.2005 with letter
- nos.* _____ received by this Authority on of 22.11.2005
- ☒ the drawings:
- sheets 1/6-6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000774

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-9

YES

Claims

NO

Inventive step (IS)

Claims 1-9

YES

Claims

NO

Industrial applicability (IA)

Claims 1-9

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

D1 = DE-A-196 52 273

- 1). The present application relates to a method for producing 3-pentene nitrile from butadiene and hydrogen cyanate in the presence of a homogeneously dissolved Ni(0) catalyst stabilized by phosphorous ligands. It is characterized by a three-stage distillative processing of the reactor discharge: in the first stage, an overhead product high in butadiene is removed. In the second stage, a butadiene-containing overhead product is removed, a 3-pentene nitrile and 2-methyl-3-butene nitrile-containing product is removed laterally, and a catalyst-containing product is obtained as a bottom product. In the third stage, the product containing 3-pentene nitrile and 2-methyl-3-butene nitrile from the second stage is separated into its components.
- 2). The sole document cited in the search report that relates to the production of 3-pentene

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000774

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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nitrile indicates only that the reactor discharge is stripped of hydrocyanic acid and butadiene, and the liquid or solid discharge is processed "by distillation to separate out the end products and recover the ... catalyst" (see example 1). Therefore, the subject matter of present claim 1 is regarded as novel.

- 3). The problem to be solved by the present application is to separate non-reacted butadiene and catalyst from the 3-pentene nitrile and feed it back into the 3-pentene nitrile production process, thereby, however, feeding as little 2-methyl-3-butene nitrile back into the reactor as possible and having as little thereof as possible in the 3-pentene nitrile product, and also to cause as little thermal stress to the catalyst as possible. 3-pentene nitrile is used to produce adiponitrile. Since in this reaction any 2-methyl-3-butene nitrile already present is converted into methyl glutar nitrile, which is an undesirable impurity in the adiponitrile, the quantity thereof has to be kept as small as possible throughout the entire process for producing adiponitrile.
- 4). The claimed three-stage distillative processing should be an optimal solution for the problem to be solved. The lowest boiling butadiene can be fed back into the first

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000774

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

stage without too much thermal stress on the catalyst; the difficult separation of the 3-pentene nitrile and 2-methyl-3-pentene nitrile, which boil at a similar temperature, is postponed until after the catalyst is separated out. In this way, the catalyst does not have to subject to thermal stress for very long and the possibility of an undesired catalyzed isomerization of the 3-pentene nitrile to form the undesired 2-methyl-3-pentene nitrile is limited. This process method and the advantages resulting therefrom cannot be derived from the mere indication of distillative processing according to D1, and therefore inventive step is acknowledged.